

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Application No. CICS 5 OF 2022

**COMMISSION'S OWN MOTION PURSUANT TO SECTION 37D TO VARY THE
RESTAURANT, TEAROOM AND CATERING WORKERS' AWARD**

NOTICE is given by the Commission's Own Motion pursuant to section 37D of the *Industrial Relations Act 1979* (WA) of the Commission's intention to vary the scope of the *Restaurant, Tearoom and Catering Workers' Award*.

The proposed variations are published in the annexed table.

A copy of the application and proposed variations may be inspected at my office by appointment at 111 St Georges Terrace, Perth.

A hearing for the purpose of affording interested persons an opportunity to be heard in relation to the proposed variations will be held at the Commission, Level 18, 111 St Georges Terrace Perth on Wednesday 6th day of September 2023 at 10.30 am.

Any person who wishes to be heard in relation to the proposed variations should contact Chief Commissioner Kenner's Chambers by email at Chambers-Kenner@wairc.wa.gov.au.

S. BASTIAN
REGISTRAR

10 AUGUST 2023

RESTAURANT, TEAROOM AND CATERING WORKERS' AWARD

| Current Award | Proposed Variations |
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| <u>3. – AREA</u> | <u>3. – AREA</u> |
| <p>This Award shall have effect throughout the State of Western Australia.</p> | <p>(1) This Award has effect throughout Western Australia.</p> <p>(2) This Award has effect with respect to employers who are connected to the State of Western Australia and their employees while performing work covered by this Award.</p> <p>Note: for a non-exhaustive list of indicators of when an employer may be connected to the State of Western Australia, see s 3(2) of <i>the Industrial Relations Act 1979</i>. Indicators include but are not limited to, whether the employer is:</p> <ul style="list-style-type: none"> • domiciled or resident in, or has a place of business in, the State; or • registered, incorporated, or established under a law of the State; or • the holder of a licence, lease, tenement, permit, or other authority, granted under a law of the State or by a public authority. |
| <u>4. – SCOPE</u> | <u>4. – SCOPE</u> |
| <p>This Award shall apply to all workers employed in the callings described in Clause 21 of this award, in Restaurants and/or Tearooms and/or Catering Establishments and/or by Catering Contractors, as defined in Clause 6 of this Award.</p> | <p>(1) This Award applies to all employers (including catering employers) in the restaurant and catering industry, as defined in Clause 6. - Definitions of this Award, and their employees employed in the classifications specified in Clause 21. - Wages of this Award.</p> <p>(2) This Award also applies to:</p> |

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| | <p>(a) employers that supply labour on an on-hire basis to host employers in the restaurant and catering industry in respect of on-hire employees employed in the classifications mentioned in this Award, and those on hire employees, while engaged in the performance of work covered by this Award; and</p> <p>(b) employers that provide group training services for apprentices and/or trainees in the restaurant and catering industry in respect of apprentices and/or trainees working in one or more of the classifications mentioned in this Award, and those apprentices and/or trainees, while engaged by a host employer in the performance of work covered by this Award.</p> <p>(3) This Award does not apply to employers and employees who are covered by the following awards:</p> <p>(a) <i>Fast Food Outlets Award 1990</i></p> <p>(b) <i>Club Workers' Award</i></p> <p>(c) <i>Hotel and Tavern Workers' Award</i></p> <p>(d) <i>Motel, Hostels, Service Flats and Boarding House Workers' Award</i></p> <p>(e) <i>Shop and Warehouse (Wholesale and Retail Establishments) Award.</i></p> <p>(4) This Award does apply not to employers and employees who are subject to the national industrial relations system.</p> |
| <p style="text-align: center;"><u>6. – DEFINITIONS</u></p> <p>(1) Restaurant and/or Tearoom means any meal room, dining room, grill room, coffee shop, tea shop, oyster shop, fish cafe, cafeteria or hamburger shop and includes any place, building, or part thereof, stand, stall, tent, vehicle or boat in or from which</p> | <p style="text-align: center;"><u>6. – DEFINITIONS</u></p> <p>(1) The restaurant and catering industry means:</p> <p>(a) any restaurant, café, coffee shop, tearoom, dining or meal room, cafeteria, canteen, takeaway or fast food</p> |

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| <p>food is sold or served for consumption on the premises and also includes any establishment or place where food is prepared and/or cooked to be sold or served for consumption elsewhere.</p> <p>(2)</p> <p>(a) Catering establishment means any building or place where meals and/or light refreshments and/or drinks are served and provided for weddings, parties, dances, social functions, theatres, festivals, fairs, exhibition buildings, cultural centres, convention centres, entertainment centres, racecourses, showgrounds, sporting grounds, and the like.</p> <p>(b) Catering Contractor means any person, firm, company or corporation carrying on business as a Catering Contractor in the provision of catering and ancillary services for any social, commercial, industrial or other purpose or function.</p> | <p>establishment (excluding those establishments covered by the <i>Fast Food Outlets Award 1990</i>); and</p> <p>(b) any place, building, stand, stall, tent, vehicle or boat or part of such, in or from which food and/or drinks are sold or served for consumption on the premises, including any establishment or place where food is prepared and/or cooked to be sold or served for consumption elsewhere; and</p> <p>(c) the provision of catering services where meals and/or light refreshments and/or drinks are served and provided in any building or place for weddings, parties, dances, social functions, theatres, festivals, fairs, exhibition buildings, cultural centres, convention centres, entertainment centres, racecourses, showgrounds, sporting grounds, and the like.</p> <p>(2) Catering Employer means any employer whose primary business is to provide catering and ancillary services for any social, commercial, industrial or other purpose or function.</p> |
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